

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

CIVIL RIGHTS ACT 42 U.S.C.

81483
CLERK'S OFFICE U.S. DIST. COURT
AT ROANOKE, VA
FILED

APR 22 2019

MICHAEL DERRICK EDWARDS

JULIA C. DUDLEY, CLERK
BY: *ASD*
DEPUTY CLERK

V.

- 1) WARDEN, BARRY KANDOE (IN HIS INDIVIDUAL AND OFFICIAL CAPACITY) 7:19CV324
- 2) SPECIAL INVESTIGATIONS UNIT ADMINISTRATIVE ASSISTANT, JHON/JANE DOE (IN HIS/HER INDIVIDUAL AND OFFICIAL CAPACITY)
- 3) SPECIAL INVESTIGATIONS UNIT DIRECTOR, PAUL HAYDES (IN HIS INDIVIDUAL AND OFFICIAL CAPACITY)
- 4) ASSISTANT WARDEN, WHITE (IN HIS INDIVIDUAL AND OFFICIAL CAPACITY)
- 5) CAPTAIN, JHON DOE (IN HIS INDIVIDUAL AND OFFICIAL CAPACITY)
- 6) LIEUTENANT, JHON DOE (IN HIS INDIVIDUAL AND OFFICIAL CAPACITY)
- 7) LIEUTENANT, KIMB (IN HIS INDIVIDUAL AND OFFICIAL CAPACITY)
- 8) SERGEANT, M. D. DEAR (IN HIS INDIVIDUAL AND OFFICIAL CAPACITY)
- 9) SERGEANT, A. MURRAY (IN HER INDIVIDUAL AND OFFICIAL CAPACITY)
- 10) SERGEANT, C. JACKSON (IN HIS INDIVIDUAL AND OFFICIAL CAPACITY)
- 11) CORRECTIONAL OFFICER, J. D. AYERS (IN HIS INDIVIDUAL AND OFFICIAL CAPACITY)
- 12) CORRECTIONAL OFFICER, M. C. GARCIA (IN HIS INDIVIDUAL AND OFFICIAL CAPACITY)
- 13) CORRECTIONAL OFFICER, B. D. ROBINSON (IN HIS INDIVIDUAL AND OFFICIAL CAPACITY)
- 14) CORRECTIONAL OFFICER, JHON DOE (IN HIS INDIVIDUAL AND OFFICIAL CAPACITIES)
- 15) HEARING OFFICER, C. MACVEAR (IN HIS INDIVIDUAL AND OFFICIAL CAPACITY)
- 16) NAXA, B. WITT (IN HER INDIVIDUAL AND OFFICIAL CAPACITY)
- 17) LPU, D. BALL (IN HER INDIVIDUAL AND OFFICIAL CAPACITY)
- 18) RN, D. YATES (IN HER INDIVIDUAL AND OFFICIAL CAPACITY)
- 19) CHIEF OF OPERATIONS FOR HEALTH SERVICES, JHON/JANE DOE (IN HIS/HER INDIVIDUAL AND OFFICIAL CAPACITY)

I. JURISDICTION AND VENUE

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THIS IS A CIVIL ACTION AUTHORIZED BY 42 U.S.C. SECTION 1983 TO REDRESS THE DEPRIVATION, UNDER COLOR OF STATE LAW, OF RIGHTS SECURED BY THE CONSTITUTION OF THE UNITED STATES. THIS COURT HAS JURISDICTION UNDER 28 U.S.C. SECTION 1331 AND 1343 (A)(3). PLAINTIFF SEEKS DECLARATORY RELIEF PURSUANT TO 28 U.S.C. SECTION 2201 AND 2202. PLAINTIFF CLAIMS FOR INJUNCTIVE RELIEF ARE AUTHORIZED BY 28 U.S.C. SECTION 2283 AND 2284 AND RULE 65 OF THE FEDERAL RULES OF CIVIL PROCEDURE.

THIS COURT ALSO HAS SUPPLEMENTAL JURISDICTION OVER PLAINTIFF'S STATE LAW TORT CLAIMS UNDER 28 U.S.C. § 1367

THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF VIRGINIA ROANOKE DIVISION IS AN APPROPRIATE VENUE UNDER 28 U.S.C. SECTION 1341 (B)(2) BECAUSE IT IS WHERE THE EVENTS GIVING RISE TO THE CLAIMS OCCURRED

II. PLAINTIFF

PLAINTIFF, MICHAEL DERRICK EDWARDS IS AND WAS AT ALL TIMES MENTIONED HERE IN A PRISONER OF THE STATE OF VIRGINIA IN THE CUSTODY OF THE VIRGINIA DEPARTMENT OF CORRECTIONS. PLAINTIFF IS CURRENTLY HOUSED AT BEDONION STATE PRISON P.O. BOX 970 POUND, VIRGINIA 24279

III. DEFENDANTS

- 1) DEFENDANT, BARRY KANODE IS THE WARDEN OF RIVERNORTH CORRECTIONAL CENTER
- 2) DEFENDANT, JHON/JANE DOE IS THE ADMINISTRATIVE ASSISTANT OF THE SPECIAL INVESTIGATIONS UNIT FOR THE VIRGINIA DEPARTMENT OF CORRECTIONS
- 3) DEFENDANT, PAUL HAYNES IS THE DIRECTOR OF THE SPECIAL INVESTIGATIONS UNIT FOR THE VIRGINIA DEPARTMENT OF CORRECTIONS
- 4) DEFENDANT, WHITE IS THE ASSISTANT WARDEN OF RIVERNORTH CORRECTIONAL CENTER

- 5) DEFENDANT, JHON DOE IS A CORRECTIONAL CAPTAIN AT RIVERNORTH CORRECTIONAL CENTER
- 6) DEFENDANT, JHON DOE IS A CORRECTIONAL LIEUTENANT AT RIVERNORTH CORRECTIONAL CENTER
- 7) DEFENDANT, KING IS A CORRECTIONAL LIEUTENANT AT RIVERNORTH CORRECTIONAL CENTER WHO IS IN CHARGE OF THE INVESTIGATIONS UNIT
- 8) DEFENDANTS, M.D. DEAN, A. MURRAY, C. JACKSON ARE ALL CORRECTIONAL SERGEANTS AT RIVERNORTH CORRECTIONAL CENTER
- 9) DEFENDANTS, J.D. AYERS AND M.C. GARCIA ARE BOTH CORRECTIONAL CANINE OFFICERS AT RIVERNORTH CORRECTIONAL CENTER
- 10) DEFENDANTS, B.D. ROBINSON, AND JHON DOE ARE BOTH CORRECTIONAL OFFICERS AT RIVERNORTH CORRECTIONAL CENTER
- 11) DEFENDANT, C. MACLEAN IS THE INSTITUTIONAL HEARINGS OFFICER AT RIVERNORTH CORRECTIONAL CENTER
- 12) DEFENDANT, B. WITT IS A REGISTERED NURSE (RNCA) AT RED ONION STATE PRISON
- 13) DEFENDANT, D. BALL IS A LICENSED PRACTITIONER NURSE (LPN) AT RED ONION STATE PRISON
- 14) DEFENDANT, D. YATES IS A REGISTERED NURSE AT RED ONION STATE PRISON
- 15) DEFENDANT, JHON/JANE DOE IS THE CHIEF OF OPERATIONS FOR HEALTH SERVICES WHO HAS THE AUTHORITY TO REVIEW THE LAST LEVEL OF APPEALS AND COMPLAINTS PERTAINING TO MEDICAL PROBLEMS AND OR STAFF

EACH DEFENDANT IN THIS SUIT IS SUED BOTH IN THEIR INDIVIDUAL AND OFFICIAL CAPACITY AT ALL TIMES MENTIONED IN THIS COMPLAINT, EACH DEFENDANT ACTED UNDER COLOR OF STATE LAW

IV. FACTS

ON THE DATE OF 11-27-18 AROUND 2:50PM-3:00PM AT RIVERNORTH CORRECTIONAL CENTER SGT A. MURRAY CAME INTO THE C-2 POOL TO HAND PLAINTIFF LEGAL CASES FROM LAW LIBRARY, SGT A. MURRAY WAS ALREADY MAD, SHE STARTED TAKING HER ANGER AND FRUSTRATION OUT ON PLAINTIFF BY RUSHING HIM TO GET THE LEGAL CASES

RETALIATION FOR FILING LAWSUIT

SGT A. MURRAY THREATENED PLAINTIFF ABOUT A PREVIOUS LAWSUIT HE FILED, SGT A. MURRAY TOLD PLAINTIFF HE WASNT GOING TO BE ON THE COMPOUND LONG "YOU THE ONE THAT LIKE TO FILE LAWSUITS, I GOT SOMETHING FOR YOU" AROUND 4:00PM AFTERNOON CHOW WAS CALLED, SGT A. MURRAY AND SGT M.D. DEAN WERE BOTH PRESENT TALKING IN THE CORNER BY THE ICE MACHINE, WHEN CHOW WAS OVER PLAINTIFF WAS STOPPED BY SGT. M.D. DEAN WHILE EXITING, PLAINTIFF HANDED HIS COAT TO SGT M.D. DEAN WHO TOOK THE COAT, SGT A. MURRAY WAS BY THE DOOR OPPOSITE OF SGT M.D. DEAN AND PLAINTIFF, SGT M.D. DEAN NEVER PATTED PLAINTIFF DOWN HE JUST CONTINUED TO ASK PLAINTIFF DID HE THREATEN TO KILL SGT A. MURRAY (UPON INFORMATION AND BELIEF SGT A. MURRAY TOLD SGT M.D. DEAN PLAINTIFF THREATENED TO KILL HER IN AN EFFORT TO SET HIM UP FOR FILING LAWSUIT) SGT M.D. DEAN ASKED PLAINTIFF 7-8 TIMES DID HE THREATEN TO KILL SGT A. MURRAY, EACH TIME PLAINTIFF RESPONDED NO, DURING THIS TIME SGT C. JACKSON CAME OVER TO WHERE SGT A. MURRAY WAS SHE STATED TO HIM HE'S THE ONE THAT LIKE TO FILE LAWSUITS, SGT C. JACKSON THEN TOLD

HER "HE WRITES SHIT UP TOO".

MISUSE OF FORCE, TORT OF ASSAULT AND BATTERY

SHORTLY AFTER PLAINTIFF WAS TOLD TO STAND BY THE FENCE, WHILE STANDING BY THE FENCE PLAINTIFF WAS THEN THREATENED BY SGT M.D. DEAN THAT IF HE TOOK HIS ARMS DOWN SGT M.D. DEAN WOULD PUT HIM ON THE FENCE, PLAINTIFF TOOK HIS ARMS DOWN AND SGT M.D. DEAN PUSHED PLAINTIFF FACE FIRST INTO THE FENCE WHILE HIS BACK WAS TURNED TO HIM, PLAINTIFF THEN TURNED AROUND TO DEFEND HIMSELF AGAINST THE ATTACK, PLAINTIFF PUNCHED SGT M.D. DEAN HE SWUNG BACK PLAINTIFF HIT HIM TWO MORE TIMES HE FELL PLAINTIFF THEN LAID DOWN ON HIS STOMACH IN A SURRENDERING POSITION.

GUARD BRUTALITY, MISUSE OF FORCE, TORT OF ASSAULT AND BATTERY

WHILE PLAINTIFF WAS LAYING ON HIS STOMACH SGT A. MURRAY AND SGT C. JACKSON HELD HIM DOWN, WHILE HOLDING HIM DOWN THEY ALLOWED SGT M.D. DEAN TO REPEATEDLY PUNCH PLAINTIFF IN FACE CALLING HIM A "STUPID NIGGER" CANINE OFFICER J.D. AYERS THEN TOLD ALL THREE OFFICERS TO WATCH OUT LET THE DOGS GET HIM" ALLOWING THE DOG TO BITE PLAINTIFF WHILE HE WAS STILL LAYING ON HIS STOMACH, PLAINTIFF THEN HAD TO FIGHT THE DOG OFF HIM, PLAINTIFF THEN GOT UP AND RAN TO THE OTHER SIDE OF THE FENCE AND LAID DOWN ON HIS STOMACH AGAIN IN A SURRENDERING POSITION, WHILE LAYING DOWN CANINE OFFICER M.C. GARCIA ALLOWED HIS CANINE TO BITE PLAINTIFF ON THE BACK, PLAINTIFF WAS THEN PLACED INTO RESTRAINTS WHILE BEING ASSAULTED WITH KNEES AND PUNCHES TO THE FACE BY ALL OF THE OFFICERS AROUND, PLAINTIFF WAS THEN PICKED UP WHILE IN RESTRAINTS AND RAN HEAD FIRST INTO THE GATE POST, OUTSIDE AND INSIDE MEDICAL DOORS, MEDICAL EXAM BED AND THEN TOSSED ON THE FLOOR WHILE IN RESTRAINTS AND CONTINUOUSLY PUNCHED

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 KNEED AND KICKED IN THE FACE, PLAINTIFF WAS THEN PICKED UP WHILE IN RESTRAINTS AND SAT ON MEDICAL EXAM BED, WHILE ON THE BED CORRECTIONAL OFFICERS JHON DOE AND B.D. ROBINSON TIGHTENED THE CUFFS ON HIS HANDS AND WRIST MAKING THEM DIG INTO HIS SKIN AND CONTINUED TO BEND HIS HANDS LEAVING HIS HANDS AND WRIST BLEEDING AND SWOLLEN, THIS CONTINUED THE ENTIRE TIME PLAINTIFF WAS BEING EXAMINED BY THE NURSES, SGT C. JACKSON THEN CUT ALL OF PLAINTIFFS CLOTHES OFF WITH SCISSORS LEAVING PLAINTIFF COMPLETELY NUDE, PLAINTIFF WAS THEN TAKEN TO A MEDICAL SURVEILLANCE CELL AND STRAPPED DOWN TO A BED COMPLETELY NUDE USING 5-POINT RESTRAINTS, THIS WAS AROUND 5:20 PM, DURING THIS TIME ASSISTANT WARDEN WHITE AND CAPTAIN JHON DOE CAME INTO THE CELL PLAINTIFF WAS PLACED AND ASKED WHAT HAPPENED, THE ASSISTANT WARDEN AND CAPTAIN LEFT THE CELL 10-15 MINUTES LATER LEAVING PLAINTIFF STRAPPED DOWN COMPLETELY NUDE, BRUISED, BLOODY AND SWOLLEN, THE ASSISTANT WARDEN AND CAPTAIN LEFT AROUND SHIFT CHANGE.

VIOLATION OF DUE PROCESS

SOMEWHERE AROUND 6:20 PM - 6:30 PM LIEUTENANT JHON DOE CAME INTO THE HALL IN FRONT OF THE CELL PLAINTIFF WAS STRAPPED DOWN IN AND ASKED IN THE HALL DID PLAINTIFF WANT TO COME OFF RESTRAINTS PLAINTIFF STATED YES, LIEUTENANT JHON DOE THEN TURNED TO THE CAMCORDER AND STATED PLAINTIFF REFUSED TO COME OFF RESTRAINTS, LIEUTENANT JHON DOE THEN STATED TO PLAINTIFF "I DONT KNOW WHY YOU THINK YOU COMING OFF RESTRAINTS AFTER ASSAULTING A STAFF MEMBER", THE SAME LIEUTENANT CAME BACK (INTO THE CELL THIS TIME) TO TIGHTEN THE STRAPS ON PLAINTIFF AROUND AN HOUR OR TWO LATER, WHILE HE WAS TIGHTENING THE STRAPS PLAINTIFF ASKED TO USE BATHROOM, HE WAS REFUSED, AROUND 12:00 AM PLAINTIFF ASKED FLOOR OFFICER TO USE BATHROOM PLAINTIFF WAS TOLD TO PISS IN THE DRAIN ON THE FLOOR, SEVERAL MINUTES

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LATER PLAINTIFF URINATED ON HIMSELF, PLAINTIFF WASNT ALLOWED TO COME OUT OF 5-POINT RESTRAINTS UNTIL 3:00AM TO USE THE BATHROOM AND STRETCH PLAINTIFF WAS THEN PLACED BACK INTO RESTRAINTS NUDE FOR THE REMAINDER OF THAT SHIFT, SHIFT CHANGED AROUND 6:00AM, AROUND 6:45AM-7:00AM PLAINTIFF WAS DENIED BREAKFAST MEAL, PLAINTIFF WASNT FULLY ALLOWED OUT OF 5-POINT RESTRAINTS AND GIVEN CLOTHES UNTIL LIEUTENANT AND TRANSPORTATION OFFICERS CAME TO TRANSFER HIM TO RED ONION STATE PRISON AROUND 9:00AM ON 11-28-18

THE FOLLOWING EVENTS OCCURED AT RED ONION STATE PRISON PLAINTIFF ARRIVED AT RED ONION STATE PRISON AROUND 12:00PM-12:30 PM ON 11-28-18, DUE TO THE ASSAULT UPON PLAINTIFF BY DEFENDANTS THE ENTIRE LEFTSIDE OF HIS FACE AND HEAD WAS BRUISED, BLOODY AND SWOLLEN, HIS LEFT EYE WAS COMPLETELY SWOLLEN CLOSED, PLAINTIFF HAD A CUT ON HIS RIGHT EYEBROW, CUTS AND BRUISES AND SWELLING ON BOTH HANDS AND WRIST, BOTH LIPS BUSTED AND DOG BITES ON LEG, THIGH AND BACK, PLAINTIFF WAS GIVEN NO MEDICAL TREATMENT EVEN WITH CLEARLY VISIBLE BLEEDING WOUNDS AND BLOOD ALL OVER HIM; ON 11-29-18 INVESTIGATOR LIEUTENANT FANNING OF RED ONION STATE PRISON CAME TO SEE PLAINTIFF TO TAKE PICTURES OF PLAINTIFF'S INJURIES STATING HE WAS TAKING PICTURES FOR THE VIRGINIA DEPARTMENT OF CORRECTIONS SPECIAL INVESTIGATIONS UNIT, PLAINTIFF ALSO WROTE A LETTER TO THE DIRECTOR OF THE SPECIAL INVESTIGATIONS UNIT PAUL HAYNES EXPLAINING THE INCIDENT PLAINTIFF ALSO WAS SEEN BY A SPECIAL INVESTIGATIONS UNIT OFFICER SOMEWHERE AROUND MID TO LATE DECEMBER (LETTER WAS WRITTEN DECEMBER 15-2018)

DENIAL OF MEDICAL TREATMENT

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ON 11-29-18 PLAINTIFF WAS SEEN BY LPN D. BALL, PLAINTIFF TOLD HER ABOUT THE INJURIES HE SUSTAINED ON 11-27-18 FROM BEING ASSAULTED, THAT HIS HANDS AND WRIST WERE GIVING HIM PAIN AND NUMBNESS OF FEELING ALONG WITH THE DOG BITES, BOTH EYES WERE GIVING HIM PAIN AND HE COULDN'T SEE OUT OF THE LEFT ONE DUE TO IT STILL BEING SWOLLEN SHUT AND HIS WHOLE BODY WAS HURTING FROM BEING IN 5-POINT RESTRAINTS FOR 16 HOURS, LPN D. BALL TOLD PLAINTIFF THE PAIN SHOULD BE GONE IN A MONTH OR TWO, SHE WAS ONLY GOING TO REFER PLAINTIFF FOR AN X-RAY, PLAINTIFF WAS SENT TO RECEIVE X-RAY ON DECEMBER 3RD OR 4TH 2018. DURING THE MONTH OF JANUARY PLAINTIFF FILED SEVERAL REQUEST FOR SICK CALL THAT WERE IGNORED, ON 1-30-19 PLAINTIFF FILED AN EMERGENCY GRIEVANCE STATING HIS LEFT EYE HAS GONE DIM AND HE SEES WHITE FLASHES IN HIS RIGHT EYE AND BOTH HANDS AND WRIST, LEG, BACK ALL ARE NUMB OF FEELING, PLAINTIFF HAD TO STOP RN D. YATES TO TELL HER HE NEEDED MEDICAL ASSISTANCE, RN D. YATES ONLY TOOK PLAINTIFF'S TEMPERATURE AND BLOOD PRESSURE TELLING PLAINTIFF HE SHOULD NEVER PUT HIS HANDS ON STAFF SHE WASN'T GOING TO DO ANYTHING FOR HIM HE HAD RECEIVED ALL OF THE ASSISTANCE HE NEEDED ON 11-27-19 AND HE ALREADY HAD AN X-RAY. PLAINTIFF FILED AN INFORMAL COMPLAINT ABOUT THE INCIDENT WHICH RN L. B. WITT RESPONDED TO, 1-31-19 PLAINTIFF FILED ANOTHER EMERGENCY GRIEVANCE ABOUT THE SAME MEDICAL PROBLEMS, SHORTLY BEFORE PLAINTIFF STATED TO RN D. YATES HE STILL NEEDED MEDICAL ASSISTANCE SHE STATED TO PLAINTIFF HE WASN'T GETTING ANY MORE ASSISTANCE, RN D. YATES CAME BACK INTO THE POD FOR PILL CALL THAT MORNING PLAINTIFF STATED TO HER AGAIN HE NEEDED MEDICAL ASSISTANCE. RN D. YATES IGNORED HIM, RN D. YATES CAME BACK THAT AFTERNOON PLAINTIFF AGAIN STATED HE NEEDED MEDICAL ASSISTANCE, RN D. YATES STATED TO PLAINTIFF HE WAS ON LIST TO SEE THE DOCTOR, LATER THAT NIGHT PLAINTIFF

RECEIVED THE EMERGENCY GRIEVANCE BACK WHICH D. YATES RESPONDED TO SAYING PLAINTIFF'S MEDICAL PROBLEMS WERE NOT AN EMERGENCY. ON 2-11-19 PLAINTIFF FILED ANOTHER EMERGENCY GRIEVANCE ABOUT THE SAME MEDICAL PROBLEMS. RN S. JESSE STATED IT WAS NOT AN EMERGENCY. PLAINTIFF WAS ON LIST TO SEE MD, ON 2-13-19 PLAINTIFF FILED ANOTHER EMERGENCY GRIEVANCE ABOUT THE SAME MEDICAL PROBLEMS. RN D. YATES RESPONDED STATING IT WAS NOT AN EMERGENCY. PLAINTIFF WAS SEEN BY LPN D. BALL ON 2-14-19 IN MEDICAL SHE REFUSED TO GIVE HIM ANY MEDICAL TREATMENT FOR THE NUMBNESS OF FEELING AND PAIN IN BOTH WRIST AND HANDS TELLING PLAINTIFF SHE IS NOT WORRIED ABOUT IT. WAIT ANOTHER MONTH OR TWO, LPN D. BALL ONLY REFERRED PLAINTIFF TO OPTOMETRIST. PLAINTIFF WAS SEEN BY LPN D. BALL AGAIN LATER IN FEBRUARY. PLAINTIFF STATED THE SAME PROBLEMS. LPN D. BALL STATED SHE WAS NOT WORRIED ABOUT IT. SOMEWHERE AROUND LATE FEBRUARY PLAINTIFF WAS SEEN BY OPTOMETRIST WHO TOLD HIM IF PROBLEM GETS WORSE FILE AN EMERGENCY GRIEVANCE TO BE SEEN. ON 3-14-19 PLAINTIFF FILED AN EMERGENCY GRIEVANCE. RN D. YATES RESPONDED STATING IT WAS NOT AN EMERGENCY. ON 3-18-19 PLAINTIFF FILED AN EMERGENCY GRIEVANCE ABOUT THE SAME MEDICAL PROBLEMS. RN D. YATES RESPONDED STATING IT WAS NOT AN EMERGENCY, BUT PLAINTIFF WAS SEEN BY OPTOMETRIST WHO PRESCRIBED 3 DIFFERENT EYE MEDICATIONS, ONLY THE MEDICAL PROBLEMS ABOUT PLAINTIFF'S HANDS AND WRIST WERE IGNORED. ON 3-19-19 PLAINTIFF FILED AN EMERGENCY GRIEVANCE ABOUT HIS HANDS AND WRIST BEING NUMB OF FEELING AND STILL GIVING HIM PAIN AND THE PROBLEM BEING IGNORED. RN S. ANDERSON RESPONDED STATING IT WAS NOT AN EMERGENCY. PLAINTIFF WAS ON LIST TO SEE REGIONAL MD, ON 3-20-19 PLAINTIFF WAS SEEN BY REGIONAL DOCTOR FOX WHO PRESCRIBED MEDICINE FOR NERVE DAMAGE TO HANDS AND WRIST.

DENIAL OF DUE PROCESS (DISCIPLINARY HEARING)

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ON THE 28TH OF NOVEMBER 2018 PLAINTIFF WAS READ 6 ASSAULT UPON AN OFFICER CHARGES AGAINST DEFENDANTS SGT M.D. DEAN, M.L. GARCIA, J.D. AYERS, B.D. ROBINSON AND THE TWO CANINES WHICH BIT PLAINTIFF, (PLAINTIFF IS ONLY ADDRESSING THE THREE DISCIPLINARY OFFENSES AGAINST B.D. ROBINSON AND THE TWO CANINES) PLAINTIFF WENT TO THE DISCIPLINARY HEARING ON 12-14-18, DEFENDANT C.J. MACVEAN WAS THE HEARING OFFICER, THE HEARING WAS CONDUCTED OVER A TELEPHONE SPEAKERPHONE, C.J. MACVEAN WAS A COMPLETELY BIAS AND PREJUDICE DECISION MAKER, HE DENIED ALL BUT ONE OF PLAINTIFF'S WITNESSES AND THAT WITNESS WAS NOT BROUGHT TO HEARING, HE DENIED PLAINTIFF'S DOCUMENTARY EVIDENCE LYING STATING PLAINTIFF NEVER SUBMITTED ANY, C.J. MACVEAN REFUSED TO RELEVANT REQUESTED CAMERA FOOTAGE, EVEN WHEN OFFICER'S STORY WEREN'T PLAUSIBLE FINDING DEFENDANT GUILTY SOLELY OFF TESTIMONY, C.J. MACVEAN'S REASON FOR GUILTY DECISION IS BASED ON NO EVIDENCE, PLAINTIFF APPEALED THE THREE 200 SERIES OFFENSES TO THE WARDEN B. LANDRE WHO UPHOLD THE DECISION OF C.J. MACVEAN REFUSING TO CORRECT THE VIOLATIONS OF PLAINTIFF'S DUE PROCESS

V. EXHAUSTION OF LEGAL REMEDIES

PLAINTIFF, MICHAEL D. EDWARDS HAS EXHAUSTED ALL HIS AVAILABLE ADMINISTRATIVE REMEDIES TO THE BEST OF HIS CAPABILITIES WITH RESPECT TO ALL CLAIMS AND ALL DEFENDANTS, COMPLETING ALL AVAILABLE STEPS OF THE GRIEVANCE PROCEDURE WHICH HE WAS CAPABLE OF, APPEALING THE DECISIONS TO THE LAST LEVEL

VI. LEGAL CLAIMS

THE ACTIONS OF THE DEFENDANTS NAMED IN THIS SUIT VIOLATE PLAINTIFF'S DUE PROCESS RIGHTS GIVEN HIM BY THE 14TH AMENDMENT AND HIS RIGHTS AGAINST CRUEL AND UNUSUAL PUNISHMENT GIVEN HIM BY THE 8TH AMENDMENT, AND CONSTITUTED THE TORT OF ASSAULT AND BATTERY UNDER THE LAW OF VIRGINIA

THE PLAINTIFF HAS NO PLAID, ADEQUATE, AVAILABLE, OR COMPLETE REMEDY AT LAW TO REDRESS THE WRONGS DESCRIBED IN THIS SUIT

PLAINTIFF HAS BEEN AND WILL CONTINUE TO BE IRREPARABLY INJURED BY THE CONDUCT OF THE DEFENDANTS UNLESS THIS COURT GRANTS THE RELIEF WHICH PLAINTIFF SEEKS

VII. PRAYER FOR RELIEF

WHEREFORE, PLAINTIFF RESPECTFULLY PRAYS THAT THIS COURT ENTER JUDGEMENT GRANTING PLAINTIFF:

- 1) A DECLARATION THAT THE ACTS AND OMISSIONS DESCRIBED HEREIN VIOLATED PLAINTIFFS' RIGHTS UNDER THE CONSTITUTION AND LAWS OF THE STATE OF VIRGINIA AND UNITED STATES
- 2) A PERMANENT INJUNCTION ORDERING FOR DEFENDANTS TO TRANSFER PLAINTIFF OUT OF WESTERN REGION TO ANOTHER PRISON; EXPUNGEMENT OF DISCIPLINARY OFFENSES (200SERIES) FROM PLAINTIFFS' INSTITUTIONAL RECORD
- 2(B) A PRELIMINARY INJUNCTION ORDERING DEFENDANTS TO IMMEDIATELY ARRANGE FOR THE PLAINTIFFS NEED FOR PHYSICAL THERAPY AND OTHER FOLLOW UP MEDICAL TREATMENT; TO BE EVALUATED BY A NEUROLOGIST WHO SPECIALIZES IN NERVE DAMAGE; AND AN OPTOMETRIST WITH EXPERTISE IN THE TREATMENT OF EYE DAMAGE AND RESTORATION.
- 3) COMPENSATORY DAMAGES IN THE AMOUNT OF \$ 30,000.00 AGAINST EACH DEFENDANT JOINTLY AND SEVERALLY
- 4) PUNITIVE DAMAGES IN THE AMOUNT OF \$ 100,000.00 AGAINST EACH DEFENDANT
- 5) A JURY TRIAL ON ALL ISSUES TRIABLE BY JURY
- 6) PLAINTIFFS' COST IN THIS SUIT
- 7) ANY ADDITIONAL RELIEF THIS COURT DEEMS JUST, PROPER, AND EQUITABLE

DATED

RESPECTFULLY SUBMITTED

MICHAEL DERRICK EDWARDS

RED ONION STATE PRISON P.O. Box 970

POUND, VIRGINIA 24279

VERIFICATION

I PLAINTIFF, MICHAEL DERRICK EDWARDS HAS READ THE FOREGOING COMPLAINT AND HEREBY VERIFY THAT THE MATTERS STATED THERE IN ARE TRUE EXCEPT AS TO MATTERS ALLEGED ON INFORMATION AND BELIEF, AND AS TO THOSE I BELIEVE THEM TO BE TRUE.

I MICHAEL DERRICK EDWARDS VERIFY AND DECLARE UNDER PENALTY OF PERJURY PURSUANT TO 28 U.S.C 1746 THAT THE FOREGOING IS TRUE CORRECT

EXECUTED AT RED ONIONS STATE PRISON P.O. Box 970, POUND VIRGINIA 24279 ON THIS DATE OF 4-18-19

MICHAEL D. EDWARDS #1408577

REDONDIION STATE PRISON

P.O. Box 970

PRISON IN 21179

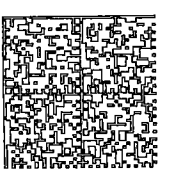
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LEGAL CORRESPONDENCE

VA DOC HAS NEITHER CENSORED OR
INSPECTED THIS ITEM. THE DEPARTMENT
DOES NOT ASSUME ANY RESPONSIBILITY
FOR ITS CONTENTS



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LEGAL CORRESPONDENCE